

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICKEY SAMUEL ANDERSON,	)	
	)	
Plaintiff,	)	2:05cv1696
	)	Electronic Filing
	)	
v.	)	
	)	Judge Cercone
	)	Magistrate Judge Caiazza
WESTMORELAND COUNTY et al.,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on December 8, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on October 24, 2006, recommended that Defendants' Motion to Dismiss (Document No. 10) be granted.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the Westmoreland County Jail, Greensburg, Pennsylvania, where he is incarcerated and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this <sup>73</sup>20 day of November, 2006,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Document No. 10) is GRANTED. The Clerk shall mark this CASE CLOSED.

The Report and Recommendation of Magistrate Judge Caiazza, (Document No. 16), dated October 24, 2006, is adopted as the opinion of the court.



David Stewart Cercone  
United States District Judge

cc: Honorable Francis X. Caiazza  
United States Magistrate Judge

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